

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
AT LAW AND IN ADMIRALTY

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

ONE 2018 DODGE CHALLENGER,  
VEHICLE IDENTIFICATION NUMBER  
(VIN) 2C3CDZFJ4JH204503, WITH ALL  
APPURTENANCES AND ATTACHMENTS  
THEREON,

Defendants.

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**VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM**

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The United States of America, by its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Scott J. Campbell, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**Nature of the Action**

1. This is a civil action to forfeit property to the United States of America, under 21 U.S.C. § 881(a)(4), for violations of 21 U.S.C. § 841(a)(1).

**The Defendant In Rem**

2. The defendant property, one 2018 Dodge Challenger bearing vehicle identification number 2C3CDZFJ4JH204503, with all appurtenances and attachments thereon, was seized on or about November 2, 2019, from Julie Ziolkowski at or near 9502 South Howell Avenue, Oak Creek, Wisconsin.

3. The defendant vehicle is registered to Julie Ziolkowski.

4. The defendant vehicle is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin.

### **Jurisdiction and Venue**

5. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

6. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

7. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

### **Basis for Forfeiture**

8. The defendant property, one 2018 Dodge Challenger bearing vehicle identification number 2C3CDZFJ4JH204503, is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(4) because it was used, or intended to be used, to transport, or to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance in violation of 21 U.S.C. § 841(a)(1).

### **Facts**

9. Cocaine is a Schedule II controlled substance under 21 U.S.C. § 812.

#### **September 23, 2019 incident involving the defendant 2018 Dodge Challenger**

10. On September 23, 2019, the defendant 2018 Dodge Challenger (the “Challenger”) was parked for about 20 minutes at a gas pump of a Kwik Trip station located in Oak Creek, Wisconsin.

11. A male individual having the initials M.M. was the driver of the Challenger, and Julie Ziolkowski was in the front passenger seat.

12. After spending about 20 minutes at the pump, the Challenger drove to near the car wash area of the Kwik Trip and parked there.

13. During the next approximately 25 minutes while the Challenger was parked near the car wash area of the Kwik Trip, neither M.M. nor Julie Ziolkowski conducted any business at Kwik Trip or any nearby businesses.

14. Approximately 25 minutes after the Challenger had parked near the car wash area of the Kwik Trip, a Dodge Ram pulled up in front of the Challenger. M.M. exited the Challenger and entered the Dodge Ram. After about one minute, M.M. exited the Dodge Ram and returned to the Challenger.

15. After M.M. exited the Dodge Ram, the Dodge Ram drove away. Officers conducted a stop on the Dodge Ram and seized approximately four grams of marijuana, a scale with powder residue, and \$3,265.

16. After M.M. returned to the Challenger, the Challenger exited the Kwik Trip lot and drove away. Officers conducted a stop on the Challenger.

17. A drug detection canine conducted a walk-around of the Challenger and gave a positive alert to the Challenger.

18. Inside the Challenger, among other things, were the following:

- A. Approximately 12.4 grams of cocaine inside a jar on the floor in front of Julie Ziolkowski,
- B. Approximately 0.5 grams of crack cocaine on the driver's seat,
- C. Paraphernalia, and
- D. A digital scale.

19. Inside Julie Ziolkowski's purse were 2.5 grams of crack cocaine.

### **November 2, 2019 incident involving the defendant 2018 Dodge Challenger**

20. On November 2, 2019, officers conducted a stop on the Challenger in Oak Creek, Wisconsin. M.M. was the driver, and Julie Ziolkowski was the front passenger.

21. On November 2, 2019, during the stop, Julie Ziolkowski was in possession of, among other things, a total of approximately 19.8 grams of crack cocaine, which was located as follows:

- A. Approximately 0.1 grams of crack cocaine on the floorboard of the Challenger where Ziolkowski had been seated,
- B. Approximately 1.5 grams of crack cocaine in Ziolkowski's purse, and
- C. Two baggies of crack cocaine in the pocket of Ziolkowski's jeans. One baggie contained approximately 7.2 grams of crack cocaine, and the other baggie contained approximately 11 grams of crack cocaine.

22. On November 2, 2019, during the stop, M.M. was in possession of a total of approximately 0.5 grams of crack cocaine.

### **Julie Ziolkowski's State Drug Charges**

23. On November 7, 2019, Julie Ziolkowski was charged in Milwaukee County Circuit Court, Case No. 19CF4950, with two counts of possession of cocaine with intent to deliver.

24. A status conference in Case No. 19CF4950 is scheduled for September 10, 2020.

### **Administrative Forfeiture Proceedings**

25. The Drug Enforcement Administration ("DEA") began administrative forfeiture proceedings against the 2018 Dodge Challenger bearing vehicle identification number 2C3CDZFJ4JH204503 as property that was used, or intended to be used, to transport, or to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance.

26. On or about January 15, 2020, Julie Ziolkowski filed a claim with the DEA in the administrative forfeiture proceedings to the defendant 2018 Dodge Challenger bearing vehicle identification number 2C3CDZFJ4JH204503.

### **Warrant for Arrest In Rem**

27. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

### **Claims for Relief**

28. The plaintiff alleges and incorporates by reference the paragraphs above.

29. By the foregoing and other acts, the defendant property, one 2018 Dodge Challenger bearing vehicle identification number 2C3CDZFJ4JH204503, was used, or intended to be used, to transport, or to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance in violation of 21 U.S.C. § 841(a)(1).

30. The defendant 2018 Dodge Challenger bearing vehicle identification number 2C3CDZFJ4JH204503 is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(4).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 11<sup>th</sup> day of August, 2020.

Respectfully submitted,

MATTHEW D. KRUEGER  
United States Attorney

By: s/SCOTT J. CAMPBELL  
SCOTT J. CAMPBELL  
Assistant United States Attorney  
Scott J. Campbell Bar Number: 1017721  
Attorney for Plaintiff  
Office of the United States Attorney  
Eastern District of Wisconsin  
517 East Wisconsin Avenue, Room 530  
Milwaukee, Wisconsin 53202  
Telephone: (414) 297-1700  
Fax: (414) 297-1738  
E-Mail: [scott.campbell@usdoj.gov](mailto:scott.campbell@usdoj.gov)

### Verification

I, Dave Ashenhurst, hereby verify and declare under penalty of perjury that I am a Lieutenant of Detectives with the Oak Creek Police Department, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 9 through 22 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States and the Oak Creek Police Department, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Lieutenant of Detectives with the Oak Creek Police Department.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: August 11, 2020

s/LT. DAVID S. ASHENHURST  
Dave Ashenhurst  
Lieutenant of Detectives  
Oak Creek Police Department

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Place an "X" in the appropriate box: ☐ Green Bay Division ☒ Milwaukee Division

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott J. Campbell, AUSA  
US Attorney's Office, #530 Federal Building  
517 E. Wisconsin Avenue, Milwaukee, WI 53202 (414-297-1700)

## DEFENDANTS

ONE 2018 DODGE CHALLENGER BEARING VEHICLE  
IDENTIFICATION NUMBER 2C3CDZFJ4JH204503

County of Residence of First Listed Defendant Milwaukee

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff) and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
21 USC § 881(a)(4)  
Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/11/2020

s/SCOTT J. CAMPBELL

FOR OFFICE USE ONLY

RECEIPT #

AMERICAN BAR ASSOCIATION Case 2:20-cv-01234-LA Filed 08/11/20 Page 1 of 1 Document 1-1



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
AT LAW AND IN ADMIRALTY

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

ONE 2018 DODGE CHALLENGER,  
VEHICLE IDENTIFICATION NUMBER  
(VIN) 2C3CDZFJ4JH204503, WITH ALL  
APPURTENANCES AND ATTACHMENTS  
THEREON,

Defendants.

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**WARRANT FOR ARREST IN REM**

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To: THE UNITED STATES MARSHAL  
Eastern District of Wisconsin

WHEREAS, a Verified Complaint for Civil Forfeiture *in rem* was filed on the 11<sup>th</sup> day of August, 2020, by the United States Attorney for the Eastern District of Wisconsin, which seeks the forfeiture of the above-named defendant property pursuant to Title 21, United States Code, Section 881(a)(4), and which prays that process issue to enforce the forfeiture and to give notice to all interested parties to appear before the court and show cause why the forfeiture should not be decreed; and due proceedings being had, that the defendant property be condemned and forfeited to the use of the United States of America.

YOU ARE THEREFORE HEREBY COMMANDED to attach and arrest the defendant property, one 2018 Dodge Challenger bearing vehicle identification number 2C3CDZFJ4JH204503, which was seized on or about November 2, 2019, from Julie Ziolkowski

at or near 9502 South Howell Avenue, Oak Creek, Wisconsin, and which is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin, in the Eastern District of Wisconsin, and to detain the same until further order of this Court.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020, at Milwaukee, Wisconsin.

GINA COLLETTI  
Clerk of Court

By:

\_\_\_\_\_  
Deputy Clerk

**Return**

This warrant was received and executed with the arrest of the above-named defendant.

Date warrant received: \_\_\_\_\_

Date warrant executed: \_\_\_\_\_

Name and title of arresting officer: \_\_\_\_\_

Signature of arresting officer: \_\_\_\_\_

Date: \_\_\_\_\_